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10/593,048	03/27/2007	Mizuya Matsufuji	0666.2980000/TGD/CMR	7282
26111 7590 12/30/2009 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER CHAU, TERRY C				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/593,048

**Applicant(s)**

MATSUFUJI, MIZUYA

**Examiner**

TERRY CHAU

**Art Unit**

3655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/G6/6)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- 7) ☐ Paper No(s)/Mail Date 10/6/2009, 8/6/2008, 9/15/2006

### **DETAILED ACTION**

This is the first office action on the merits for application 10/593,048 filed 3/27/2007.

Applicant's amendment to the claims filed 3/14/2007 has been entered. Claims 1-4 and 10 are currently pending.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 10/6/2009, 8/4/2008, 9/15/2009 have been considered by the examiner.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 102.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

**The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:**

It is unclear from the specification which element is the hydraulic port for oil supply and discharge of the PTO valve as per claim 1, line 8. "A hydraulic port" appears to only be disclosed in paragraph 0012 and 0013.

It is unclear from the specification which is the valve that sets oil pressure as per claim 2, line 3.

**The disclosure is objected to because of the following informalities:**

It is unclear from the applicant's disclosure what the purpose of port 102 and passage 113 shown in figure 7 is. Appropriate correction is required. Applicant is forewarned however that any correct to the specification may constitute new matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1 and 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Regarding claim 1, it is unclear from the applicant's disclosure which element is the "hydraulic port for oil supply and discharge of the PTO valve". Ports 103 and 104 appear to lead to the brake (see figure 10 and paragraph 0052). Port 101 appears to lead to the modulate relief valve 67 and the clutch (see figure 9 and paragraphs 0052 and 0055). Passage 112 appears to be a supply port (see paragraphs 0052 and 0055) but does not appear to also be a discharge port. It is unclear what port 102 and passage 113 do exactly from the applicant's disclosure. For examination purposes, passage 113 is interpreted to be a discharge port and "a hydraulic port for oil supply and

discharge of the PTO valve" is interpreted to be --a hydraulic port for oil supply and a hydraulic port for oil discharge--.

Regarding claim 2, it is unclear from the applicant's disclosure which element is the valve setting oil pressure. For examination purpose, the valve setting oil pressure is interpreted to be the modulate relief valve (67). However, it is noted that contrary to claim 2, oil appears to be supplied from the PTO valve (47) to the modulate relief valve and not from the modulate relief valve to the PTO valve. See paragraph 0055.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Contrary to claim 1, the PTO driving mechanism (30) having a hydraulic PTO clutch (28) is not housed within the rear cover (3c) but rather in the rear housing (3). Contrary to claim 1, the PTO clutch (28) is not formed within the PTO rear cover (3c). See figures 1 and 2. For examination purposes "a PTO rear cover in which a PTO driving mechanism having a hydraulic PTO clutch is housed is attached to a rear end of a rear housing of a vehicle body;" is interpreted as --a PTO rear cover is attached to a rear end of a rear housing of a vehicle body in which a PTO driving mechanism having a hydraulic PTO clutch is housed--. "An oil passage communicating the PTO valve with the PTO clutch and a hydraulic port for oil supply and discharge of the PTO valve and

the PTO clutch” is interpreted as --an oil passage communicating the PTO valve with the PTO clutch, a hydraulic port for oil supply and a hydraulic port for oil discharge are formed in an inside of the PTO rear cover; and the PTO clutch is formed in an inside of the rear housing-- . Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**As best understood, claims 1-3, and 10 are rejected under 35 U.S.C. 102(b) as being anticipate by Matufuji et al. (US 2003/0075411).**

Matufuji et al. discloses

Regarding claim 1:

Hydraulic valve equipment (see figures 4-6) of a working vehicle characterized in that:

a PTO rear cover (33) is attached to a rear end of a rear housing (3) of a vehicle body in which a PTO driving mechanism (see figure 2) having a hydraulic PTO clutch (27) is housed

a PTO valve (90) controlling on/off of the PTO clutch is provided integrally with the PTO rear cover; and

an oil passage (94; see paragraph 0039) communicating the PTO valve with the PTO clutch and a hydraulic port (91; see paragraph 0038) for oil supply and a hydraulic

port (102; see paragraph 0039) for oil discharge are formed in an inside of the PTO rear cover; and

the PTO clutch is formed in an inside of the PTO rear cover.

Regarding claim 2, the PTO driving mechanism comprises a hydraulic PTO brake (59), a valve (92; see paragraph 0038) setting oil pressure is arranged to a side of the vehicle body, and the PTO valve controls supply of hydraulic oil to the PTO clutch and the PTO brake.

Regarding claims 3 and 10, the PTO valve is arranged in an upper portion of the PTO rear cover.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Matufuji et al. (US 2003/0075411) in view of Herrick (US 3,625,310).**

The teachings of Matufuji et al. have been discussed above.

Matufuji et al. do not disclose that an oil inspection window is provided in the PTO rear cover.

Herrick discloses an inspection window (24) provided on the side of a gearbox.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an inspection window in the PTO rear cover so as to quickly and accurately ascertain the true level of the lubricant through the inspection window (see lines 59-63, column 2).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Banker (US 2,669,330) discloses a hydraulic control for steering clutches.

Ozaki et al. (US 4,944,376) discloses a brake band drum for planetary gear-type transmissions.

Takagi et al. (US 5,437,355) discloses a friction clutch having a brake mechanism.

Huggins et al. (US 5,845,544) discloses a control module.

Matsufuji et al. (US 2007/0151376) discloses a hydraulic valve equipment of working vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRY CHAU whose telephone number is (571)270-5926. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Le can be reached on 571-272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TERRY CHAU/  
Examiner, Art Unit 3655  
  
12/22/2009

/David D. Le/  
Primary Examiner, Art Unit 3655